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1 STEVEN D. ZAVODNICK, ESQ. (CA State Bar No. 135419) Attorney at Law 2 P.O. Box 33247 Los Gatos, California 95031-3247 3 Telephone: (408) 399-3100 2008 FEB 15 A 10: 25 Facsimile: (408) 356-1255 4 RICHARD W. WIEKING CLERK U.S. DISTRICT COURT NO. DIST OF CA. S.J. Attorney for Plaintiff JAMES LEE STEWART 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA 10

JAMES LEE STEWART, Case No.: 5:07-cv-04061-RS an individual, CERTIFICATE OF STEVEN D. Plaintiff, ZAVODNICK PURSUANT TO ORDER

TO SHOW CAUSE RE: DISMISSAL Vs. Hearing Date: February 25, 2008

Time: 9:00 a.m. LELAND STANFORD JUNIOR UNIVERSITY, Courtroom: No. 8

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Defendant.

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Certificate of Steven D. Zavodnick

- I, Steven D. Zavodnick, do certify the following facts in response to the Court's Order to Show Cause re: Dismissal dated February 7, 2008:
- 1. I am an attorney licensed to practice before all courts in the State of California and am in good standing.
- 2. I did not receive service of Docket Item No. 4 which the Court references continued the Case Management Conference in instant case to February 11, 2008.
- 3. Defendant Leland Stanford Junior University was personally served on November 16, 2007, and has not filed an answer or responsive pleading within the time allowed by the F.R.C.P. Accordingly, Plaintiff has contemporaneously filed with this certificate a Request for Entry of Default pursuant to F.R.C.P. Section 55(a).
- 4. The Plaintiff respectfully asks this court to vacate the Case Management Conference set for Monday, February 25, 2008 at 9:00 a.m. and schedule a default hearing for entry of judgment against Defendant Leland Stanford Junior University.

DATED this 14th day of February, 2008.

Respectfully submitted

STEVEN D. ZAVODNICK

Attorney for Plaintiff JAMES LEE STEWART